UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUANE WILLIAM MILLAR,

Defendant.
______________________________/

Case No. 1:16-CR-96
Hon. ROBERT HOLMES BELL
U.S. District Judge

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT 1
(Transportation of Child Pornography)

Between about July 2015 and about December 2015, in Ingham County, in the Southern Division of the Western District of Michigan, and elsewhere,

DUANE WILLIAM MILLAR

knowingly transported child pornography using any means or facility of interstate or foreign commerce. Specifically, the defendant had images of child pornography on his cellular phone, including but not limited to, one or more of the images listed below by file name:

1. 180x240_ce049e39fc44082fae62.jpg;
2. V3.jpg;
3. 218_Teen_Tight.jpg;
4. 367335.jpg;
5. 849.jpg;
6. air0bpC.jpg;
7. bp_018.jpg; and

8. jEpg4Ru.jpg,

which he transported over state lines, including, but not limited to, the following instances of interstate travel:

1. travel from Michigan to Maryland in or about July 2015;
2. travel from Michigan to Wyoming in or about August 2015; and
3. travel from Michigan to Maryland in or about December 2015.

18 U.S.C. § 2252A(a)(1)
18 U.S.C. § 2256(8)(A)

COUNT 2
(Transportation of Child Pornography)

In or about July 2015, in Ingham County, in the Southern Division of the Western District of Michigan, and elsewhere,

DUANE WILLIAM MILLAR

knowingly transported child pornography using any means or facility of interstate or foreign commerce. Specifically, the defendant had images of child pornography on his cellular phone, including, but not limited to, one or more of the images listed below by file name:

1. 180x240_ce049e39fc44082fae62.jpg;
2. V3.jpg;
3. 218_Teen_Tight.jpg;
4. 367335.jpg;
5. 849.jpg;
6. air0bpC.jpg;
7. bp_018.jpg; and
8. jEpg4Ru.jpg,

which he transported over an international border, including, but not limited to, travel from Michigan to Canada in or about July 2015.

18 U.S.C. § 2252A(a)(1)
18 U.S.C. § 2256(8)(A)

COUNT 3
(Possession of Child Pornography)

On or about January 27, 2016, in Ingham County, in the Southern Division of the Western District of Michigan, and elsewhere,

DUANE WILLIAM MILLAR

knowingly possessed child pornography that involved prepubescent minors, including, but not limited to, one or more of the images listed below by file name:

1. Prarllolitas0001-048a(1).WEBP; and
2. 240x240_7756303efcc46458f674.jpg.

Such depictions had been shipped or transported using any means or facility of interstate or foreign commerce and had been in or affecting interstate or foreign commerce by any means, including by computer. Specifically, the defendant possessed a collection of child pornography that he maintained in an internet-based email account.

18 U.S.C. § 2252A(a)(5)(B) and (b)(2)
18 U.S.C. § 2256(8)(A)

COUNT 4
(Possession of Child Pornography)

On or about March 23, 2016, in Ingham County, in the Southern Division of the Western District of Michigan,

DUANE WILLIAM MILLAR

knowingly possessed child pornography that involved prepubescent minors, including, but not limited to, one or more of the images listed below by file name:

1. After Crash (2).pptx,
2. image83.jpg, and
3. image98.jpg.

Such depictions were produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce, including, but not limited to one or more of the following: a Dell Inspiron laptop computer, manufactured in China; a Dell Gateway laptop computer, with a Toshiba hard drive manufactured in Japan; and a Western Digital My Passport external hard drive, manufactured in Malaysia.

18 U.S.C. § 2252A(a)(5)(B) and (b)(2)
18 U.S.C. § 2256(8)(A)

FORFEITURE ALLEGATION
(Transportation and Possession of Child Pornography)

The allegations contained in Counts 1 - 4 of this Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 2253.

Pursuant to 18 U.S.C. § 2253, upon conviction of an offense in violation of 18 U.S.C. § 2252A,

DUANE WILLIAM MILLAR

shall forfeit to the United States of America any visual depiction described in 18 U.S.C. § 2252A; any matter which contains any such visual depiction that was produced, transported, mailed, shipped, and received in violation of Title 18, United States Code, Chapter 110; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses or any property traceable to such property. The property to be forfeited, as to all counts, includes, but is not limited to, the following:

a. A Dell Inspiron laptop computer (serial number 4Z6WNR1) with a Seagate hard drive (serial number 5VER1GSH).

b. A Dell Gateway laptop computer (serial number 0013737317) with a Toshiba hard drive (serial number 49E56533G),

c. A Western Digital My Passport external hard drive (serial number WXA1E51KC768),

d. A Motorola Droid Max 4G LTE cellular telephone (serial number TA9610I6PX).

If any of the property described above, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b) and by 28 U.S.C. § 2461(c).

18 U.S.C. § 2253
21 U.S.C. § 853(p)
28 U.S.C. § 2461(c)
18 U.S.C. § 2252A
18 U.S.C. § 2256(8)(A)

A TRUE BILL

GRAND JURY FOREPERSON

PATRICK A. MILES, JR.
United States Attorney

ALEXIS M. SANFORD
Assistant United States Attorney